

State of Arizona  
House of Representatives  
Forty-sixth Legislature  
Second Regular Session  
2004

CHAPTER 213

## HOUSE BILL 2637

AN ACT

AMENDING SECTION 32-1281, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 6, SECTION 1; AMENDING SECTION 32-1289, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2004, CHAPTER 6, SECTION 3; RELATING TO DENTAL HYGIENISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1281, Arizona Revised Statutes, as amended by  
3 Laws 2004, chapter 6, section 1, is amended to read:

4 32-1281. Practicing as dental hygienist; supervision  
5 requirements; definitions

6 A. A person is deemed to be practicing as a dental hygienist if the  
7 person does any of the acts or performs any of the operations included in the  
8 general practice of dental hygienists, dental hygiene and all related and  
9 associated duties.

10 B. Only a licensed dental hygienist or dentist may perform the  
11 following:

- 12 1. Prophylaxis.
- 13 2. Scaling.
- 14 3. Closed subgingival curettage.
- 15 4. Root planing.
- 16 5. Administering local anesthetics and nitrous oxide.
- 17 6. Placing of periodontal sutures as prescribed in subsection F of  
18 this section.
- 19 7. Examining the oral cavity and surrounding structures.
- 20 8. Periodontal examination.
- 21 9. Recording of clinical findings.
- 22 10. Compiling case histories.

23 C. A licensed dental hygienist may:

- 24 1. Expose and process dental radiographs.
- 25 2. ~~Apply topical fluoride if prescribed by a dentist licensed pursuant~~  
26 ~~to this chapter.~~

27 ~~3.~~ 2. Perform all functions authorized and deemed appropriate for  
28 dental assistants.

29 D. The board by rule shall prescribe the circumstances under which a  
30 licensed dental hygienist may:

- 31 1. Apply preventive and therapeutic agents, used in relation to dental  
32 hygiene procedures, to the hard and soft tissues.
- 33 2. Use emerging scientific technology and prescribe the necessary  
34 training, experience and supervision to operate newly developed scientific  
35 technology.

36 3. Perform other procedures not specifically authorized by this  
37 section.

38 E. Except as provided in subsections F and H of this section, a dental  
39 hygienist shall practice under the general supervision of a dentist licensed  
40 pursuant to this chapter.

41 F. Dental hygienists shall practice under the direct supervision of  
42 a dentist licensed pursuant to this chapter when performing the following  
43 procedures and after completing a course of study recognized by the board:

- 44 1. Administering local anesthetics.
- 45 2. Administering nitrous oxide analgesia.

1           3. Placing an interrupted suture interdentially to secure soft tissue  
2 papillae that may have inadvertently become displaced during root planing or  
3 closed curettage procedures performed by the dental hygienist, except that  
4 a dental hygienist may not position and suture soft tissue flaps that are  
5 reflected for surgical access and treatment. This procedure applies only to  
6 a dental hygienist who is permitted to perform periodontal suturing on or  
7 before July 31, 2004.

8           G. A dental hygienist may perform dental hygiene procedures in the  
9 following settings:

- 10           1. On a patient of record of a dentist within that dentist's office.  
11           2. Except as prescribed in section 32-1289, in a health care facility,  
12 nursing home, public health agency or institution or public, private or  
13 charter school on patients who have been examined by a dentist within the  
14 previous year.  
15           3. In a homebound setting on patients who have been examined by a  
16 dentist within the previous year.

17           H. A dental hygienist may provide dental hygiene services ~~only if the~~  
18 ~~dental hygienist is acting under an affiliated practice relationship with a~~  
19 dentist as prescribed in section 32-1289.

- 20           1. For the purposes of this article:  
21           1. "Direct supervision" means that the dentist is present in the  
22 office while the dental hygienist is treating a patient and is available for  
23 consultation regarding procedures that the dentist authorizes and for which  
24 he is responsible.  
25           2. "General supervision" means that the dentist is available for  
26 consultation, whether or not the dentist is in his office, over procedures  
27 which the dentist has authorized and for which the dentist remains  
28 responsible.

29           Sec. 2. Section 32-1289, Arizona Revised Statutes, as amended by Laws  
30 2004, chapter 6, section 3, is amended to read:

31           32-1289. Employment of dental hygienist by public agency,  
32 institution or school; definitions

33           A. A public health agency or institution or a public or private school  
34 authority may employ dental hygienists to perform necessary dental hygiene  
35 procedures under either direct or general supervision pursuant to section  
36 32-1281.

37           B. A dental hygienist employed by a public health agency or  
38 institution or a public or private school authority may screen patients  
39 before an examination by a dentist without entering into an affiliated  
40 practice relationship pursuant to this section.

41           C. A public health agency or institution, a public or private school  
42 authority or government sponsored program that provides dental services may  
43 enter into a contract for dental hygiene services with ~~a licensee~~ LICENSEES  
44 who has HAVE entered into an affiliated practice relationship pursuant to  
45 this section.

1       D. The dental hygienist and the affiliated dentist must notify the  
2 board of the beginning of the affiliated practice relationship and provide  
3 the board with a copy of the agreement and any amendments to the agreement  
4 within thirty days after the effective date of the agreement or amendment.  
5 The dental hygienist and the affiliated dentist must also notify the board  
6 within thirty days after the termination date of the affiliated practice  
7 relationship if this date is different than the contract termination date.

8       E. A dental hygienist must satisfy all of the following to be eligible  
9 to enter into an affiliated practice relationship with a dentist to perform  
10 dental hygiene procedures in affiliated practice settings:

11       1. Hold an active license pursuant to this article.

12       2. Enter into an affiliated practice relationship with a specific  
13 dentist who is licensed pursuant to this chapter.

14       3. Have held a license as a dental hygienist for at least five years  
15 and actively engaged in dental hygiene practice for at least two thousand  
16 hours in the five years immediately preceding the affiliated practice  
17 relationship.

18       F. An affiliated practice relationship between a dental hygienist and  
19 a dentist must be in writing and must include at least the following:

20       1. An identification of the affiliated practice settings in which the  
21 dental hygienist may engage in dental hygiene practice pursuant to an  
22 affiliated practice relationship.

23       2. An identification of the procedures and standing orders the dental  
24 hygienist must follow. The standing orders must include the circumstances  
25 in which a patient may be seen by a dental hygienist.

26       3. A requirement that the dental hygienist refer patients who have  
27 been assessed by the dental hygienist to the affiliated dentist for treatment  
28 or planning that is outside of the dental hygienist's scope of practice and  
29 that the affiliated dentist make any necessary referrals to other dentists.  
30 If the patient has not received the treatment or planning for which the  
31 referral was made, the dental hygienist shall not provide further treatment.

32       4. A requirement that the patient be informed that the dental  
33 hygienist providing the care is a licensed dental hygienist and that the care  
34 does not take the place of a dental examination.

35       G. The board shall adopt rules regarding participation in affiliated  
36 practice relationships by dentists and dental hygienists that specify the  
37 following:

38       1. Additional continuing education requirements that must be satisfied  
39 by a dental hygienist.

40       2. Additional standards and conditions that may apply to affiliated  
41 practice relationships.

42       3. Compliance with the dental practice act and rules adopted by the  
43 board.

44       H. Each dentist in an affiliated practice relationship must:

1 1. Be available to provide an appropriate level of contact,  
2 communication and consultation with the affiliated dental hygienist.

3 2. Adopt standing orders applicable to dental hygiene procedures that  
4 may be performed by the dental hygienist under the terms of the applicable  
5 affiliated practice agreement and to be followed by the dental hygienist in  
6 each affiliated practice setting in which the dental hygienist performs  
7 dental hygiene services under the affiliated practice relationship.

8 I. Each affiliated dental hygienist when practicing under an  
9 affiliated practice relationship:

10 1. May perform only those duties within the terms of the affiliated  
11 practice relationship.

12 2. Must maintain an appropriate level of contact, communication and  
13 consultation with the affiliated dentist.

14 3. Is responsible and liable for all services rendered by the dental  
15 hygienist under the affiliated practice relationship.

16 J. Subject to the terms of the written affiliated practice agreement  
17 entered into between a dentist and a dental hygienist, a dental hygienist may  
18 perform all dental hygiene procedures authorized by this chapter except for  
19 the procedures identified in section 32-1281, subsection B, paragraphs 4, 5  
20 and 6.

21 K. Subject to the terms of the written affiliated practice agreement  
22 entered into between a dentist and a dental hygienist, a dental hygienist may  
23 perform dental hygiene procedures in affiliated practice settings only on a  
24 person who is eighteen years of age or younger and who is:

25 1. Enrolled in a federal, state, county or local health care program.

26 2. Participating in the national school meal program.

27 3. From a family with a household income that is less than two hundred  
28 per cent of the federal poverty guidelines.

29 L. This section does not require any dentist or dental hygienist to  
30 enter into an affiliated practice relationship.

31 M. For the purposes of this section:

32 1. "Affiliated practice setting" means the delivery of dental hygiene  
33 services by a dental hygienist under an affiliated practice relationship  
34 through a public health agency or institution, a public or private school  
35 authority or a government sponsored program that provides dental services.

36 2. "Screen" means visually examining the teeth and hard or soft tissue  
37 of the mouth for obvious oral health problems for the purpose of advising the  
38 patient of the need for dental care, and shall not include diagnosis or  
39 treatment planning.

APPROVED BY THE GOVERNOR MAY 10, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2004.

Passed the House March 15, 2004

Passed the Senate April 26, 2004

by the following vote: 43 Ayes,

by the following vote: 30 Ayes,

14 Nays, 3 Not Voting

Jake Flake  
Speaker of the House

Norman L. Moore  
Chief Clerk of the House

0 Nays, 0 Not Voting

Ken Bennett  
President of the Senate

Channing Bell  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

H.B. 2637

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

May 4, 2004,

by the following vote: 50 Ayes,

2 Nays, 8 Not Voting

Jake Flake  
Speaker of the House

Norman L. Syron  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

4th day of May, 2004

at 4:45 o'clock P. M.

Jennifer Upbarra  
Secretary to the Governor

Approved this 10 day of

May, 2004,

at 11<sup>35</sup> o'clock A. M.

J. N. H.  
Governor of Arizona

H.B. 2637

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 10 day of May, 2004,

at 1:22 o'clock P. M.

Janice K. Brewer  
Secretary of State